IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

ITA No. 695 of 2005
Date of Decision: 16.5.2007

The Commissioner of Income Tax,
Faridabad

..... Revenue through
Mr.Yogesh Putney,
Advocate

versus

Shri Prem Singh

.....Assessee through
Mr. Vijay Kumar Gupta,
Mr. Avnish Jhingan and
Mr. S.P.Chahar, Advocates.

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN,
CHIEF JUSTICE
HON'BLE MR. JUSTICE MAHESH GROVER

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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Vijender Jain, Chief Justice (Oral)

This judgment will dispose of income tax appeal Nos. 695 of 2005, 312, 313, 314, 317, 318, 319, 320, 322, 372, 374, 375, 377, 379, 380 of 2004, 52, 53, 108, 190, 218 to 231, 233 to 243, 351, 352, 353, 355, 356,

357, 361, 362, 363, 364, 365, 570, 572, 574, 575, 576, 577, 578, 579 and 581 of 2005, 483, 38, 73, 74, 109, 283, 284, 288, 289, 290, 291, 292, 293 and 294 of 2006 and 52 of 2007.

At the out set, learned counsel for the assessees contended that the question of law raised in the present appeals is squarely covered by the decision of this Court in ITR No. 26 of 1997 **The Commissioner of Income Tax, Patiala v. Shri Karanbir Singh, Rajinder Kuti, Patiala,** decided on 17.01.2007, as these appeals also involved the same question of law as has been decided in the aforesaid case (supra).

However, Mr. Putney, learned counsel appearing for the revenue has contended that amendment in Section 45(5) of the Income Tax Act, 1961 (for short 'the Act') has not been noticed in the said judgment.

We are afraid that the contention of learned counsel for the revenue is not correct as the Division Bench has specifically noticed the judgment of Karnataka High Court in case **Chief Commissioner of Income Tax and another v. Smt. Shantavva** (2004) 267 ITR 67, wherein the amendment inserted to Section 45(5) of the Act had been specifically dealt with and the similar question, as has been raised in these appeals, was decided against the revenue and in favour of the assessee. We have also perused the judgment rendered in **Bikram Singh and others v. Land Acquisition Collector and Ors.** 224 ITR 551 (SC).

After going through the above referred to decisions, we are of the considered view that question raised in the present appeals is squarely covered by the aforesaid decisions.

Accordingly, all the appeals are dismissed in terms of the decision of this Court in ITR No. 26 of 1997, decided on 17.01.2007.

(VIJENDER JAIN)
CHIEF JUSTICE

(MAHESH GROVER)
JUDGE

16.05.2007
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